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OLIVE GARDEN ITALIAN RESTAURANT  
9

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
12

13 RACHEL W. KOVAR,  
14 Plaintiffs,  
15 vs.

16 GMRI, INC. d/b/a THE OLIVE GARDEN  
ITALIAN RESTAURANT, a Florida foreign  
17 corporation; DOE Individuals I through X;  
and ROE Corporations and Organizations I  
18 through V, inclusive,  
19 Defendants.  
20

CASE NO. 2:20-cv-01819-JCM-BNW

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**[FIRST REQUEST]**

21 COME NOW, Defendant GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN  
22 RESTAURANT (“Defendant”) and Plaintiff RACHEL W. KOVAR (“Plaintiff”), by and through  
23 their respective counsel of record, and pursuant to LR 6-1 and LR 26-3, hereby stipulate and  
24 request that all current discovery deadlines in the above-captioned case be continued for a period  
25 of ninety (90) days. In addition, the parties request that all other future deadlines contemplated by  
26 the Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and  
27 Request, the parties state as follows:

28 1. On September 30, 2020, Defendant filed its Petition for Removal regarding Eighth

1 Judicial District Court Case No. A-20-820490-C. [ECF No. 1]

2 2. On September 30, 2020, Defendant answered Plaintiff's Complaint in the federal  
3 court action. [ECF No. 5]

4 3. On October 13, 2020, the parties conducted an initial FRCP 26(f) conference.

5 4. On October 16, 2020, Plaintiff served her FRCP 26 Initial Disclosures on  
6 Defendant.

7 5. On October 27, 2020, Defendant served its FRCP 26 Initial Disclosures on  
8 Plaintiff.

9 6. On October 27, 2020, the parties filed a Stipulated Discovery Plan and Scheduling  
10 Order. [ECF No. 9]

11 7. On October 29, 2020, the parties submitted the Joint Status Report as ordered by  
12 ECF No. 6. [ECF No. 10]

13 8. On November 3, 2020, Plaintiff served interrogatories and requests for production  
14 of documents on Defendant.

15 9. On November 11, 2020, Defendant served interrogatories, requests for admissions,  
16 and requests for production of documents on Plaintiff.

17 10. On November 12, 2020, the Court denied the parties' Discovery Plan and  
18 Scheduling Order [ECF No. 9] and issued the currently operative Scheduling Order. [ECF No. 11]

19 11. On December 2, 2020, Defendant served its responses to Plaintiff's written  
20 discovery requests.

21 12. On December 7, 2020, Plaintiff's counsel requested, and Defendant's counsel  
22 agreed to, an extension for Plaintiff to respond to Defendant's written discovery requests.

23 13. On December 28, 2020, Plaintiff served her responses to Defendant's written  
24 discovery requests.

25 **DISCOVERY REMAINING**

26 1. Plaintiff will take the deposition of Defendant's employee witness involved in the  
27 subject accident.

- 1           2.       Defendant will take the deposition of Plaintiff.
- 2           3.       The parties will designate initial expert witnesses.
- 3           4.       The parties will designate rebuttal expert witnesses.
- 4           5.       The parties will take the depositions of the designated expert witnesses.
- 5           6.       The parties will take the depositions of any and all other witnesses garnered
- 6 through discovery.
- 7           7.       The parties will continue to gather relevant records.

8                   **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

9           Pursuant to Local Rule 26-3, the parties aver that good cause exists for the following  
10 requested extension. This Request for an extension of time is not sought for any improper purpose  
11 or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing  
12 sufficient time to conduct discovery. The parties are actively engaging in scheduling the  
13 depositions of Plaintiff and Defendant's employee witness to the subject incident. Nonetheless, the  
14 COVID-19 pandemic has slowed the parties' ability to streamline discovery.

15           Pursuant to the above, the parties have conferred and request an extension of the current  
16 deadlines as they will not currently suffice for the logistics of this case.

17                   **EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**  
18                                   **SCHEDULING ORDER**

19           LR 26-3 governs extensions of the Discovery Plan and Scheduling Order. Any stipulation  
20 or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later  
21 than twenty-one (21) days before the expiration of the subject deadline and must comply fully  
22 with LR 26-3.

23           This is the first request for extension of time in this matter. The parties respectfully submit  
24 that the reasons set forth above constitute compelling reasons for the extension.

25           The following is a list of the current discovery deadlines and the parties' proposed  
26 extended deadlines:

27           ///

28

Event	Current Deadline	Proposed Deadline
Expert Disclosure pursuant to FRCP 26(a)(2)	January 28, 2021	April 28, 2021
Rebuttal Expert Disclosure pursuant to FRCP 26(a)(2)	February 27, 2021	May 28, 2021
Discovery Cut-off	March 29, 2021	June 28, 2021
Dispositive Motions	April 28, 2021	July 27, 2021
Joint Pretrial Order	May 28, 2021	August 26, 2021

WHEREFORE, the parties respectfully request that all current discovery deadlines in the above-captioned case be continued for a period of ninety (90) days, as outlined in accordance with the table above.

DATED this 7th day of January, 2021.

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/Josh Cole Aicklen

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*Attorneys for Defendant*

GMRI, INC. d/b/a THE OLIVE GARDEN

ITALIAN RESTAURANT

ORDER

**IT IS SO ORDERED**

**DATED:** 3:50 pm, January 11, 2021



**BRENDA WEKSLER**

**UNITED STATES MAGISTRATE JUDGE**

DATED this 7th day of January, 2021.

O'REILLY LAW GROUP, LLC

/s/Timothy R. O'Reilly

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*Attorneys for Plaintiff*

RACHEL W. KOVAR

## Abrante, Tina

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**From:** Timothy R. O'Reilly <tor@oreillylawgroup.com>  
**Sent:** Thursday, January 7, 2021 1:56 PM  
**To:** Lanahan, Jennifer  
**Cc:** Shpirt, Paul; Abrante, Tina; gchavez@gmk-law.com; Gerald Gillock; Tracie M. Jefcik  
**Subject:** [EXT] RE: Rachel Kovar v. GMRI - Extending deadlines  
**Attachments:** Kovar v. Olive Garden - SAO to Extend Discovery Deadlines (First Request).docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** JENNIFER JENNIFER JENIFFER

External Email

You have permission to e-sign my name for the Plaintiffs.



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**From:** Lanahan, Jennifer <Jennifer.Lanahan@lewisbrisbois.com>  
**Sent:** Thursday, January 7, 2021 10:49 AM  
**To:** Timothy R. O'Reilly <tor@oreillylawgroup.com>  
**Cc:** Shpirt, Paul <Paul.Shpirt@lewisbrisbois.com>; Abrante, Tina <Tina.Abrante@lewisbrisbois.com>; gchavez@gmk-law.com; Gerald Gillock <gillock@gmk-law.com>; Tracie M. Jefcik <TMJ@oreillylawgroup.com>  
**Subject:** RE: Rachel Kovar v. GMRI - Extending deadlines  
**Importance:** High

Counsel,

Pursuant to my earlier email, please see the proposed SAO to Extend Discovery Deadlines attached to this email for your review.

Jennifer



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**From:** Lanahan, Jennifer  
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**To:** Timothy R. O'Reilly <[tor@oreillylawgroup.com](mailto:tor@oreillylawgroup.com)>  
**Cc:** Shpirt, Paul <[Paul.Shpirt@lewisbrisbois.com](mailto:Paul.Shpirt@lewisbrisbois.com)>; Abrante, Tina <[Tina.Abrante@lewisbrisbois.com](mailto:Tina.Abrante@lewisbrisbois.com)>; [gchavez@gmk-law.com](mailto:gchavez@gmk-law.com); Gerald Gillock <[gillock@gmk-law.com](mailto:gillock@gmk-law.com)>; Tracie Jefcik <[TJ1@oreillylawgroup.com](mailto:TJ1@oreillylawgroup.com)>  
**Subject:** Rachel Kovar v. GMRI - Extending deadlines

Good morning Timothy,

Would you be willing to stipulate to extend the discovery deadlines by 3 months? Initial expert disclosures are already coming up on 1/28, and I don't know that that gives us enough time. Let me know. Thanks!

**Jennifer R. Lanahan**  
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